

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EVERT L. EOFF,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C05-5324FDB

ORDER DENYING PETITIONER'S
POST JUDGMENT MOTIONS

Petitioner has filed three motions in an effort to have the Court again address his 2255 motion: Motion to Effect Compliance with 28 U.S.C. § 2255, Motion for Amended Judgment, and Motion for New Trial. None of these motions has merit and are denied. An evidentiary hearing was not required in this case, and the Government only mentioned having a hearing in the alternative should the Court conclude that there was basis to appeal the sentence imposed pursuant to his bargained-for plea agreement, but the Court did not so conclude. The Court articulated its reasons for denying the 2255 petition and agreed with the position taken by the Government in its Answer. Petitioner's Motions listed above at Docket Nos. 19, 20 and 21 are DENIED. SO ORDERED.

DATED this 15th day of December, 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE